

THE HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

LIAOSHENG ZHANG,

Plaintiff,

v.

BOEING COMPANY, AMAZON
GLOBAL RESOURCES, INC.,
MICROSOFT CORPORATION,

Defendants.

No. 7-1794 RAJ

BOEING'S ANSWER AND AFFIRMATIVE
DEFENSES

Defendant The Boeing Company (hereinafter "Boeing") hereby answers plaintiff's
Complaint as follows.

ANSWER

I. NATURE OF ACTION

1.1 Answering paragraph 1.1 of the Complaint, Boeing admits that the Complaint asserts civil claims under 42 U.S.C. § 2000e et seq. ("Title VII") and the Age Discrimination in Employment Act ("ADEA") seeking a remedy for discrimination on the basis of race, national origin, gender, disability and age. Except as expressly admitted herein, Boeing denies each and every allegation in the paragraph.

BOEING'S ANSWER (NO. 7-1794 RAJ) – 1

Perkins Coie LLP
1201 Third Avenue, Suite 4800
Seattle, WA 98101-3099
Phone: 206.359.8000
Fax: 206.359.9000

II. JURISDICTION AND VENUE

2.1 Answering paragraph 2.1 of the Complaint, the paragraph constitutes a legal conclusion to which an answer is not required and Boeing therefore denies the same.

2.2 Answering paragraph 2.2 of the Complaint, the paragraph constitutes a legal conclusion to which an answer is not required and Boeing therefore denies the same.

2.3 Answering paragraph 2.3 of the Complaint, the paragraph constitutes a legal conclusion to which an answer is not required and Boeing therefore denies the same.

III. PARTIES

3.1 Answering paragraph 3.1 of the Complaint, Boeing admits that plaintiff applied for jobs at Boeing. Except as expressly admitted, Boeing is without sufficient information to form a belief as to the truth of the allegations in the paragraph and therefore denies each and every allegation in the paragraph.

3.2 Answering the introductory phrase of paragraph 3.2 of the Complaint, Boeing admits that it operates multiple divisions and affiliates under various names and that Boeing has addresses in multiple states.

3.3 Answering subparagraph 3.2(a) of the Complaint, Boeing admits that its World Headquarters are located at:

100 North Riverside
Chicago, Illinois 60606
312-544-2000

3.4 Answering paragraph 3.2(b) of the Complaint, Boeing admits that its Washington Registered Agent is Corporation Service Company located at:

6500 Harbour Heights Pkwy, Suite 400
Mukilteo, WA 98275

3.5 Answering paragraph 3.2(c) of the Complaint, Boeing admits that one of its addresses in Washington is:

P.O. Box 3707
Seattle, WA 98124
206-655-2121

3.6 Answering paragraph 3.2(d) of the Complaint, the allegation is too vague to answer.

3.7 No paragraphs are numbered 3.3 or 3.4.

3.8 Answering paragraph 3.5 of the Complaint, Boeing is without sufficient information to form a belief as to the truth of the allegation in this paragraph, and therefore denies the same.

3.9 Answering paragraph 3.6 of the Complaint, Boeing is without sufficient information to form a belief as to the truth of the allegation in this paragraph, and therefore denies the same.

IV. STATEMENT OF FACTS

4.1 Boeing Company

4.1.1 Answering the first sentence of paragraph 4.1.1 of the Complaint, Boeing states that the sentence contains legal conclusions to which an answer is not required. Answering the second sentence of paragraph 4.1.1 of the Complaint, Boeing admits that its records reflect that plaintiff applied for over 300 Boeing jobs. Answering the third sentence of paragraph 4.1.1 of the Complaint, Boeing admits that plaintiff's resume has been posted to Boeing's online job search tool (Boeing Enterprise Staffing System or "BESS") and plaintiff has not been hired at Boeing. Except as expressly admitted herein, Boeing denies each and every allegation contained in paragraph 4.1.1 of the Complaint.

4.1.2 Answering the first sentence of paragraph 4.1.2 of the Complaint, Boeing admits that its records reflect that the plaintiff had a few interviews at Boeing. Answering the second sentence of paragraph 4.1.2 of the Complaint, the sentence is too vague to answer. Answering the third sentence of paragraph 4.1.2 of the Complaint, Boeing is without information to form a belief as to the truth of the allegation in this sentence, and therefore denies the same. Answering

1 the fourth sentence of paragraph 4.1.2 of the Complaint, Boeing is without information to form a
2 belief as to the truth of the allegation in this sentence, and therefore denies the same. Answering
3 the fifth sentence of paragraph 4.1.2 of the Complaint, Boeing is without information to form a
4 belief as to the truth of the allegation in this sentence, and therefore denies the same.
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8 4.1.3 Answering the first sentence of paragraph 4.1.3 of the Complaint, Boeing is
9 without information to form a belief as to the truth of the allegation in this sentence, and
10 therefore denies the same. Answering the second sentence of paragraph 4.1.3 of the Complaint,
11 Boeing is without information to form a belief as to the truth of the allegation in this sentence,
12 and therefore denies the same. Answering the third sentence of paragraph 4.1.3 of the
13 Complaint, the sentence is too vague to answer. Answering the fourth sentence of paragraph
14 4.1.3 of the Complaint, Boeing admits that plaintiff applied for jobs after August 16, 2006 and
15 Boeing states that the BESS online tool indicates the status of the application (i.e., "job
16 requisition cancelled," "under consideration," or "no longer under consideration"). Answering
17 the fifth sentence of paragraph 4.1.3 of the Complaint, Boeing admits that plaintiff's resume
18 indicates that she has a Master's Degree in computer engineering from Arizona State University
19 and that she worked as a software engineer at Honeywell, Inc. from 6/31/98 to 4/1/05.
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21 Answering the sixth sentence of paragraph 4.1.3 of the Complaint, Boeing admits that to date it
22 has not hired the plaintiff.
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25 4.1.4 Answering the first sentence of paragraph 4.1.4 of the Complaint, Boeing denies
26 each and every allegation in the first sentence of paragraph 4.1.4 of the Complaint. Answering
27 the second sentence of paragraph 4.1.4 of the Complaint, Boeing admits that its records reflect
28 that Boeing hired some workers with optional practical training cards in 2005. Answering the
29 third sentence of paragraph 4.1.4 of the Complaint, the sentence is too vague to answer.
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31 Answering the fourth sentence of paragraph 4.1.4 of the Complaint, Boeing denies each and
32 every allegation in the fourth sentence of paragraph 4.1.4 of the Complaint.
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1 4.1.5 Answering the graphic that appears on page 4 of the Complaint, Boeing denies
2 that the purported data reflected in the graphic is accurate.
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4 4.1.6 Answering the first sentence of paragraph 4.1.5 of the Complaint, Boeing denies
5 each and every allegation in the first sentence of paragraph 4.1.5 of the Complaint. Answering
6 the second sentence of paragraph 4.1.5 of the Complaint, Boeing denies each and every
7 allegation in the second sentence of paragraph 4.1.5 of the Complaint. Answering the third
8 sentence of paragraph 4.1.5 of the Complaint, Boeing admits that its records reflect that Boeing
9 hired some workers with optional practical training cards in 2005. Answering the fourth
10 sentence of paragraph 4.1.5 of the Complaint, the sentence is too vague to answer. Answering
11 the fifth sentence of paragraph 4.1.4 of the Complaint, Boeing denies each and every allegation
12 in the fifth sentence of paragraph 4.1.4 of the Complaint.
13

14 4.1.7 Answering paragraph 4.1.6 of the Complaint, Boeing denies each and every
15 allegation in paragraph 4.1.6 of the Complaint.
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17 4.1.8 Answering paragraph 4.1.7 of the Complaint, Boeing states that it has thousands
18 of employees throughout the world, some of whom are foreign nationals. Except as expressly
19 admitted herein, the allegations in paragraph 4.1.7 of the Complaint are too vague to answer.
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21 4.1.9 Answering paragraph 4.1.8 of the Complaint, Boeing denies each and every
22 allegation in paragraph 4.1.8 of the Complaint.
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24 4.1.10 Answering paragraph 4.1.9 of the Complaint, Boeing denies each and every
25 allegation in paragraph 4.1.9 of the Complaint.
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27 4.1.11 Answering paragraph 4.1.10 of the Complaint, Boeing denies each and every
28 allegation in paragraph 4.1.10 of the Complaint.
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30 **4.2 Amazon Global Resources Inc.**
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32 4.2.1 Answering paragraph 4.2.1 of the Complaint, Boeing is without sufficient
33 information to form a belief as to the truth of the allegation in this paragraph, and therefore
34 denies the same.
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1 4.2.2 Answering paragraph 4.2.2 of the Complaint, Boeing is without sufficient
2 information to form a belief as to the truth of the allegation in this paragraph, and therefore
3 denies the same.
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6 4.2.3 Answering paragraph 4.2.3 of the Complaint, Boeing is without sufficient
7 information to form a belief as to the truth of the allegation in this paragraph, and therefore
8 denies the same.
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12 4.2.4 Answering paragraph 4.2.4 of the Complaint, Boeing is without sufficient
13 information to form a belief as to the truth of the allegation in this paragraph, and therefore
14 denies the same.
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18 4.2.5 Answering paragraph 4.2.5 of the Complaint, Boeing is without sufficient
19 information to form a belief as to the truth of the allegation in this paragraph, and therefore
20 denies the same.
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24 4.2.6 Answering paragraph 4.2.6 of the Complaint, Boeing is without sufficient
25 information to form a belief as to the truth of the allegation in this paragraph, and therefore
26 denies the same.
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30 4.2.7 Answering paragraph 4.2.7 of the Complaint, Boeing is without sufficient
31 information to form a belief as to the truth of the allegation in this paragraph, and therefore
32 denies the same.
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36 4.2.8 Answering paragraph 4.2.8 of the Complaint, Boeing is without sufficient
37 information to form a belief as to the truth of the allegation in this paragraph, and therefore
38 denies the same.
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43 **4.3 Microsoft Corporation**
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45 4.3.1 Answering paragraph 4.3.1 of the Complaint, Boeing is without sufficient
46 information to form a belief as to the truth of the allegation in this paragraph, and therefore
47 denies the same.
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1 4.3.2 Answering paragraph 4.3.2 of the Complaint, Boeing is without sufficient
2 information to form a belief as to the truth of the allegation in this paragraph, and therefore
3 denies the same.
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6 4.3.3 Answering paragraph 4.3.3 of the Complaint, Boeing is without sufficient
7 information to form a belief as to the truth of the allegation in this paragraph, and therefore
8 denies the same.
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12 4.3.4 Answering paragraph 4.3.4 of the Complaint, Boeing is without sufficient
13 information to form a belief as to the truth of the allegation in this paragraph, and therefore
14 denies the same.
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18 4.3.5 Answering paragraph 4.3.5 of the Complaint, Boeing is without sufficient
19 information to form a belief as to the truth of the allegation in this paragraph, and therefore
20 denies the same.
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24 4.3.6 Answering paragraph 4.3.6 of the Complaint, Boeing is without sufficient
25 information to form a belief as to the truth of the allegation in this paragraph, and therefore
26 denies the same.
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30 4.3.7 Answering paragraph 4.3.7 of the Complaint, Boeing is without sufficient
31 information to form a belief as to the truth of the allegation in this paragraph, and therefore
32 denies the same.
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36 4.3.8 Answering paragraph 4.3.8 of the Complaint, Boeing is without sufficient
37 information to form a belief as to the truth of the allegation in this paragraph, and therefore
38 denies the same.
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42 4.3.9 Answering paragraph 4.3.9 of the Complaint, Boeing is without sufficient
43 information to form a belief as to the truth of the allegation in this paragraph, and therefore
44 denies the same.
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4.3.10 Answering paragraph 4.3.10 of the Complaint, Boeing is without sufficient information to form a belief as to the truth of the allegation in this paragraph, and therefore denies the same.

4.3.11 Answering paragraph 4.3.11 of the Complaint, Boeing is without sufficient information to form a belief as to the truth of the allegation in this paragraph, and therefore denies the same.

4.3.12 Answering paragraph 4.3.12 of the Complaint, Boeing is without sufficient information to form a belief as to the truth of the allegation in this paragraph, and therefore denies the same.

**V. FIRST CLAIM FOR RELIEF DISCRIMINATION [SIC]
UNDER TITLE VII AND ADEA**

5.1 Answering paragraph 5.1 of the Complaint, Boeing reasserts each and every answer in paragraphs 1 through 4.3.12, above, and incorporates those answers as though fully set forth herein. To the extent paragraph 5.1 of the Complaint "restates" paragraphs 4.4 and 4.5, which do not exist in the Complaint, Boeing denies the same.

5.2 Answering paragraph 5.2 of the Complaint, the paragraph constitutes a legal conclusion to which an answer is not required and Boeing therefore denies the same.

5.3 Answering the introductory phrase of paragraph 5.3 of the Complaint, the phrase constitutes a legal conclusion to which an answer is not required and Boeing therefore denies the same.

5.4 Answering paragraph 5.3(a) of the Complaint, Boeing admits that it received a Notice of Charge of Discrimination from the Equal Employment Opportunity Commission dated June 18, 2007. Except as expressly admitted herein, Boeing is without sufficient information to form a belief as to the truth of the allegation and therefore denies each and every allegation in the paragraph.

1 5.5 Answering paragraph 5.3(b) of the Complaint, Boeing admits that the plaintiff
2 was issued a Dismissal and Notice of Rights from the Equal Employment Opportunity
3 Commission dated August 6, 2007 indicating that "based upon its investigation the EEOC is
4 unable to conclude that the information obtained establishes violations of the statutes" and
5 informing the plaintiff that she must file a lawsuit within 90 days of the receipt of the notice.
6 Except as otherwise expressly admitted herein, Boeing is without sufficient information to form
7 a belief as to the truth of the allegation regarding when plaintiff received the Dismissal and
8 Notice of Rights document and therefore denies each and every allegation in the paragraph.
9 10 11 12 13 14 15 16

17 5.6 Answering paragraph 5.3(c) of the Complaint, Boeing admits that the Complaint
18 was filed on November 5, 2007. Except as expressly admitted herein, Boeing is without
19 sufficient information to form a belief as to the truth of the allegation regarding when plaintiff
20 received the Dismissal and Notice of Rights document and therefore denies each and every
21 allegation in the paragraph.
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27 5.7 Answering paragraph 5.4 of the Complaint, Boeing denies each and every
28 allegation in the paragraph.
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31 5.8 Answering paragraph 5.5 of the Complaint, Boeing denies each and every
32 allegation in the paragraph.
33 34 35

36 VI. DAMAGES

37 6.1 Answering paragraph 6.1 of the Complaint, Boeing reasserts each and every
38 answer in paragraphs 1 through 5.8, above, and incorporates those answers as though fully set
39 forth herein.
40 41 42

43 6.2 Answering paragraph 6.2 of the Complaint, Boeing denies each and every
44 allegation in the paragraph.
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47 6.2 Answering paragraph 6.3 of the Complaint, Boeing denies each and every
48 allegation in the paragraph.
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VII. JUDY [SIC] DEMAND

7.1 Paragraph 7.1 of the Complaint is a purported jury demand to which answer is not required.

VIII. PRAYER FOR RELIEF

8.1 Answering paragraphs 8.1 through 8.7 of the Complaint, Boeing denies that plaintiff is entitled to any relief.

DEFENSES AND AFFIRMATIVE DEFENSES

Having answered the Complaint, Boeing asserts the following defenses and affirmative defenses:

1. Plaintiff's Complaint fails to state a claim upon which relief can be granted. Plaintiff's Complaint does not allege the plaintiff's race, national origin, gender, disability or age.
2. Plaintiff's claims are or may be barred due to failure to exhaust her administrative remedies.
3. Defendant had legitimate non-discriminatory reasons for its business decisions not to hire plaintiff. Even if impermissible factors were considered, which Boeing denies were in any way a factor in the decision, the same decisions with respect to plaintiff would have been made even in the absence of such consideration.
4. Plaintiff's claims are or may be barred, in whole or in part, by applicable statutes of limitation.
5. Plaintiff's claims are or may be barred in whole or in part by the doctrine of after acquired evidence.
6. Plaintiff's claims are or may be barred by the doctrines of estoppel, waiver and/or laches.
7. Plaintiff's claim for damages, her entitlement to which is expressly denied, may be barred in whole or in part by plaintiff's failure to mitigate damages; alternatively, any claim

1 for relief must be set off and/or reduced by wages, compensation, pay and benefits, or other
2 earnings, remunerations, profits and benefits received by plaintiff.
3

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5 8. Plaintiff's claims for exemplary damages are barred, in whole or in part, because
6 Boeing's actions with respect to plaintiff were in good faith and based upon legitimate,
7 nondiscriminatory, and nonretaliatory factors unrelated to any unlawful purpose or bias.
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11 9. Boeing designates all denials set forth above to the allegations in the Complaint as
12 defenses if necessary for its full defense of this matter.
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15 Boeing may amend its Answer to include additional defenses and affirmative defenses
16 upon completion of discovery.
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21 **REQUEST FOR RELIEF**

22 Having fully answered plaintiff's Complaint, Boeing requests the following relief:
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- 24 1. That plaintiff's Complaint be dismissed with prejudice;
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26 2. That Boeing recover its costs, including attorneys' fees, incurred in defending
27 plaintiff's Complaint to the maximum extent permitted by law;
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29 3. For such other and further relief as the Court may deem just and equitable.
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35 DATED: January 4, 2008.

PERKINS COIE LLP

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38 By: /s/ 

39 Andrew Moriarty, WSBA No. 28651
40 AMoriarty@perkinscoie.com
41 Chelsea Dwyer Petersen, WSBA No.
42 33787
43 CDPetersen@perkinscoie.com
44

45 Attorneys for Defendant
46 THE BOEING COMPANY
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CERTIFICATE OF SERVICE

On January 4, 2008, I caused to be served upon counsel of record, at the address stated below, via the method of service indicated, a true and correct copy of the following document:

BOEING'S ANSWER

Liaosheng Zhang
12334 31st Ave. NE, #306
Seattle, WA 98125
Phone: (206) 364-1348


<u>X</u>	Via hand delivery
<u> </u>	Via U.S. Mail, 1st Class, Postage
<u> </u>	Prepaid, Receipt Requested
<u> </u>	Via Overnight Delivery
<u> </u>	Via Facsimile
<u>X</u>	Via E-filing

I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED at Seattle, Washington, this 4th day of January, 2008.

Perkins Coie LLP

By /s/


Chelsea D. Petersen, WSBA #33787